

OPINION
52-21

March 3, 1952 (OPINION)

CIVIL DEFENSE

RE: No Law Authorizing Governor to Execute Interstate Compacts

Reference is made to your verbal request for an opinion from this office concerning the question of whether or not it is within the powers granted to the Governor of the State of North Dakota to enter into and execute an interstate civil defense and disaster compact with other states.

Several interstate civil defense and disaster compacts as adopted by other states were left with this office for our consideration.

From a review of our civil defense act, it is our belief that the powers granted the Governor therein are not sufficiently broad enough to allow the Governor to execute and enter into such compacts. We have been unable to find any provisions in the statute that would authorize the Governor to ratify any such compacts on behalf of the State of North Dakota.

It is therefore believed that execution and ratification of such compacts must be legislative action. We would, therefore, suggest that if as State Director of Civil Defense you believe the State of North Dakota should adopt either bilateral compacts with adjoining states or the model compact as proposed by the Federal Civil Defense Administration, your course of action should be to prepare and present your proposal to the next Legislature.

We are herewith returning the certified copies of compacts adopted by the State of Nevada, Rhode Island and Oregon in order that you may have them properly answered and filed.

ELMO T. CHRISTIANSON

Attorney General